

Message Text

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67

ACTION EB-11

INFO OCT-01 ADP-00 AGR-20 CEA-02 CIAE-00 COME-00 DODE-00

FRB-02 H-02 INR-10 L-03 LAB-06 NSAE-00 NSC-10 PA-03

RSC-01 AID-20 CIEP-02 SS-15 STR-08 TAR-02 USIA-12

PRS-01 SAL-01 OMB-01 AF-10 ARA-11 EA-11 EUR-25 NEA-10

IO-12 OIC-04 RSR-01 TRSY-11 /228 W

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R 031832 Z APR 73

FM AMEMBASSY LONDON

TO SECSTATE WASHDC 0240

LIMITED OFFICIAL USE SECTION 01 OF 03 LONDON 03917

E. O. 11652: N/A

TAGS: EGEN

SUBJECT: COFFEE: RESULTS OF LEGAL COMMITTEE'S WORK

RE: LONDON 3526

1. SUMMARY - FULL TEXT OF DRAFT RESOLUTION, AS REVISED BY LEGAL GROUP AFTER DISCUSSIONS IN CONTACT GROUP IS TRANSMITTED BY THIS TELEGRAM. RECOMMENDATIONS OF LEGAL GROUP ON ARTICLES 60-72 ALSO TRANSMITTED. APART FROM DISCUSSION ON ARTICLE 69, ONLY SUBSTANTIVE COMMENT IN CONTACT GROUP ON THESE ARTICLES WAS US STATEMENT THAT WE BELIEVE THESE ARTICLES SHOULD NOT BE CHANGED.

2. TEXT OF RESOLUTION IS AS FOLLOWS:

WHEREAS:

THE INTERNATIONAL COFFEE AGREEMENT 1968, UNLESS IT IS EXTENDED, EXPIRES ON 30 SEPTEMBER 1973;

THE TIME REQUIRED BOTH TO NEGOTIATE A NEW AGREEMENT AND TO CARRY OUT THE CONSTITUTIONAL FORMALITIES AND PROCEDURES FOR APPROVAL, RATIFICATION OR ACCEPTANCE WILL NOT PERMIT SUCH AN AGREEMENT TO ENTER INTO LIMITED OFFICIAL USE

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FORCE ON 1 OCTOBER 1973;
IN ORDER TO ALLOW AN AMOUNT OF TIME ADEQUATE FOR
THE NEGOTIATION OF A NEW AGREEMENT, THE INTERNATIONAL
COFFEE AGREEMENT 1968 SHOULD BE EXTENDED; AND
PARAGRAPH (2) OF ARTICLE 69 PERMITS THE COUNCIL TO
EXTEND THE INTERNATIONAL COFFEE AGREEMENT 1968 WITH OR
OF U. S.\$800,000. THUS FAR, JAPANESE
EMBASSY HAS LIMITED ITSELF TO PUBLIC RESTATEMENT OF ITS NON-
RECOGNITION OF 200- MILE LIMIT CLAIM.

4. COMMENT: LATEST SEIZURE OF FOREIGN FISHING VESSELS WAS
GREETED BY UNANIMOUS AND ENTHUSIASTIC APPROVAL BY MONTEVIDEO
PRESS. FORTUNATELY, U. S. FISHING VESSELS HAVE NOT YET BEEN
OPERATING AS FOR AS SOUTH AS URUGUAY.
GQTIZ

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TO SECSTATE WASHDC 0241

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60-72 ARE AS FOLLOWS:

A. ARTICLES 60 AND - DELETED

B. ARTICLE 62 - THE EXISTING TEXT IS DELETED AND
REPLACED BY:

"(1) THE INTERNATIONAL COFFEE AGREEMENT 1968 AS
EXTENDED SHALL ENTER INTO FORCE ON 1 OCTOBER 1973
AMONG THOSE CONTRACTING PARTIES TO THE 1968 AGREEMENT
WHICH HAVE NOTIFIED THEIR ACCEPTANCE OF SUCH EXTENDED
AGREEMENT TO THE SECRETARY- GENERAL OF THE UNITED NATIONS
BY 30 SEPTEMBER 1973 IF ON THAT DATE SUCH CONTRACTING
PARTIES REPRESENT AT LEAST TWENTY EXPORTING MEMBERS
HOLDING AT LEAST 80 PERCENT OF THE VOTES OF THE EXPORT-
ING MEMBERS AND AT LEAST TEN IMPORTING MEMBERS HOLDING
AT LEAST 80 PERCENT OF THE VOTES OF THE IMPORTING
MEMBERS.

(2) A NOTIFICATION BY A CONTRACTING PARTY THAT
IT ACCEPTS THE EXTENDED AGREEMENT SUBJECT TO ITS AP-
PROPRIATE CONSTITUTIONAL PROCEDURES SHALL BE REGARDED
AS EQUAL IN EFFECT TO A NOTIFICATION OF ACCEPTANCE.
IF CONFIRMATION THAT SUCH CONSTITUTIONAL PROCEDURES
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HAVE BEEN COMPLIED WITH IS NOT RECEIVED BY THE
SECRETARY- GENERAL OF THE UNITED NATIONS BY 31 MARCH
1974 SUCH CONTRACTING PARTY SHALL THEREUPON CASE TO
PARTICIPATE IN THE INTERNATIONAL COFFEE AGREEMENT 1974 WITHOUT
MODIFICATION,

THE INTERNATIONAL COFFEE COUNCIL

RESOLVES:

1. THAT THE INTERNATIONAL COFFEE AGREEMENT 1968
(HEREINAFTER REFERRED TO AS " THE AGREEMENT") SHALL BE
EXTENDED AND SHALL REMAIN IN FORCE SUBJECT TO THE
MODIFICATIONS SET OUT IN ANNEX 1 TO THIS RESOLUTION
UNTIL 30 SEPTEMBER (BLANK) OR UNTIL A NEW INTERNATIONAL
COFFEE AGREEMENT HAS ENTERED INTO FORCE, WHICHEVER IS
THE EARLIER.

2. THAT THE INTERNATIONAL COFFEE AGREEMENT 1968
AS EXTENDED SHALL ENTER INTO FORCE ON 1 OCTOBER 1973
AMONG THOSE CONTRACTING PARTIES TO THE 1968 AGREEMENT
WHICH HAVE NOTIFIED THEIR ACCEPTANCE OF SUCH EXTENDED
AGREEMENT TO THE SECRETARY- GENERAL OF THE UNITED NATIONS
BY 30 SEPTEMBER 1973 IF ON THAT DATE SUCH CONTRACTING
PARTIES REPRESENT AT LEAST TWENTY EXPORTING MEMBERS
HOLDING AT LEAST 80 PERCENT OF THE VOTES OF THE EXPORT-
ING MEMBERS AND AT LEAST TEN IMPORTING MEMBERS HOLDING
AT LEAST 80 PERCENT OF THE VOTES OF THE IMPORTING MEM-
BERS.

3. THAT A NOTIFICATION BY A CONTRACTING PARTY
THAT IT ACCEPTS THE EXTENDED AGREEMENT SUBJECT TO ITS

APPROPRIATE CONSTITUTIONAL PROCEDURES SHALL BE REGARDED AS EQUAL IN EFFECT TO A NOTIFICATION OF ACCEPTANCE. IF CONFIRMATION THAT SUCH CONSTITUTIONAL PROCEDURES HAVE BEEN COMPLIED WITH IS NOT RECEIVED BY THE SECRETARY- GENERAL OF THE UNITED NATIONS BY 31 MARCH 1974 SUCH CONTRACTING PARTY SHALL THEREUPON CEASE TO PARTICIPATE IN THE INTERNATIONAL COFFEE AGREEMENT 1968 AS EXTENDED.

4. THAT IF THE EXTENDED AGREEMENT HAS NOT ENTERED INTO FORCE ON 1 OCTOBER 1973 THOSE CONTRACTING PARTIES THAT HAVE NOTIFIED THEIR ACCEPTANCE OF SUCH EXTENDED LIMITED OFFICIAL USE

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AGREEMENT MAY IMMEDIATELY AFTER THAT DATE CONSULT TOGETHER TO CONSIDER WHAT ACTION THE SITUATION REQUIRES AND MAY, BY MUTUAL CONSENT, DECIDE THAT IT SHALL ENTER INTO FORCE AMONG THEMSELVES.

5. TO INSTRUCT THE EXECUTIVE DIRECTOR TO CONVEY THIS RESOLUTION TO THE SECRETARY- GENERAL OF THE UNITED NATIONS WITH A REQUEST THAT, UNDER THE PROVISIONS OF ARTICLE 71 OF THE AGREEMENT, HE NOTIFY THE CONTRACTING PARTIES OF THE DATE TO WHICH THE AGREEMENT IS EXTENDED.

6. THE AGREEMENT AS EXTENDED AND MODIFIED BY THIS RESOLUTION SHALL BE KNOWN AS THE INTERNATIONAL COFFEE AGREEMENT 1968 AS EXTENDED.

3. LEGAL GROUP RECOMMENDATIONS ON ARTICLES

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TO SECSTATE WASHDC 0242

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TWO- THIRDS MAJORITY OF THE TOTAL VOTES, NEGOTIATE A NEW AGREEMENT FOR SUCH PERIOD AS THE COUNCIL SHALL DETERMINE.)

(4) THE COUNCIL MAY, BY A VOTE OF AT LEAST 75 PERCENT OF EXPORTING COUNTRIES HOLDING AT LEAST 85 PERCENT OF THE VOTES OF THE EXPORTING MEMBERS AND OF AT LEAST 75 PERCENT OF IMPORTING COUNTRIES HOLDING AT LEAST 85 PERCENT OF THE VOTES OF IMPORTING MEMBERS, NEGOTIATE A NEW AGREEMENT FOR SUCH PERIOD AS THE COUNCIL SHALL DETERMINE.)"

H. ARTICLE 70 - UNCHANGED

I. ARTICLE 71 - THE EXISTING TEXT IS DELETED AND REPLACED BY:

" THE SECRETARY- GENERAL OF THE UNITED NATIONS SHALL NOTIFY ALL CONTRACTING PARTIES TO THE INTERNATIONAL COFFEE AGREEMENT 1968 AND ALL OTHER GOVERNMENTS OF STATES MEMBERS OF THE UNITED NATIONS OR OF ANY OF ITS SPECIALISED AGENCIES OF EACH NOTIFICATION OF ACCEPTANCE OF THE EXTENDED AGREEMENT, OF THE DATE ON WHICH IT COMES INTO FORCE AND OF THE DATE TO WHICH IT IS EXTENDED.
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THE SECRETARY- GENERAL OF THE UNITED NATIONS SHALL ALSO NOTIFY ALL CONTRACTING PARTIES OF EACH NOTIFICATION UNDER ARTICLES 5, 62 (PARAGRAPH (2), 65, 66 OR 67, OF THE DATE ON WHICH THE AGREEMENT IS T E S QUERY, BELETSKIY SAID THAT CONGEN SHARKOV WOULD NOT COME TO WEST BERLIN UNTIL RENOVATION WORK ON AMSELSTRASSE RESIDENCE HAD BEEN COMPLETED, WHICH SOVIETS ESTIMATED WOULD TAKE ABOUT ONE MONTH. SINCE THIS WORK CANNOT COMMENCE UNTIL SOVIETS MAKE REQUIRED PAYMENT OF DM 1.2 MILLION (WHICH BELETSKIY SAID WOULD NOT BE DONE BEFORE ENTRY IN PROPERTY REGISTER), IT NOW APPEARS UNLIKELY THAT SHARKOV WILL BE ON SCENE IN TIME FOR SOVIET INDUSTRIAL EXHIBITION APRIL 30 - MAY 13. GRISHCHENKO SAID THAT

THOUGHT HAD EARLIER BEEN GIVEN TO THIS POSSIBILITY BUT THAT IDEA
HAD NOW BEEN DROPPED. BOTH HE AND BELETSKIY CONVEYED IMPRESSION
THAT
PROBABLE ABSENCE OF SHARKOV FROM EXHIBITION DID NOT BOTHER THEM
-- PRESUMABLY BECAUSE THIS WOULD LEAVE FIELD OPEN TO SOVIET EM-
BASSY IN GARNERING FRUITS FROM EXHIBITION. KLEIN

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